

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 ADRIAN POLCZAK,) Case No. 09cv1451-DMS (BLM)
12)
13 Plaintiff,)
14 v.) **ORDER DENYING DEFENDANT'S**
15 HOME DEPOT U.S.A., INC., a) **MOTION FOR TELEPHONIC**
16 Delaware Corporation, and DOES 1) **APPEARANCE AT THE MANDATORY**
17 through 20, inclusive,) **SETTLEMENT CONFERENCE**
18 Defendants.)
19)
20)
21)
22)
23) [Doc. No. 19]
24)
25)
26)
27)
28)

19 A Mandatory Settlement Conference ("MSC") in the above matter
20 is scheduled for May 26, 2010. See Doc. No. 15. On May 10, 2010,
21 Plaintiff filed an *ex parte* motion requesting that Plaintiff be
22 allowed to appear telephonically at the MSC, and the Court granted
23 the motion on May 11, 2010. Doc. Nos. 17 & 18. On May 12, 2010,
24 Defendant filed the instant motion to excuse Defendant from personal
25 appearance at the MSC. Doc. No. 19. Defendant represents that
26 "[e]xtraordinary circumstances exist" because "Defendant's
27 principals are located in Atlanta, Georgia, and personal appearance
28 at the [MSC] would require two days of travel time and excessive

1 monetary costs." Id.

2 The Court believes personal appearances by all parties and
3 clients are critical to a successful settlement conference, and as
4 explained in the Case Management Conference Order, all counsel and
5 all parties are required to appear in person absent extraordinary
6 circumstances. Doc. No. 11 at 4-5. The Court granted Plaintiff's
7 recent motion because he does not have the financial resources to
8 travel to San Diego and he established the requisite extraordinary
9 circumstances that justify a telephonic appearance at the MSC. See
10 Doc. No. 17. Defendant has the ability to pay for travel to San
11 Diego, but prefers not to do so. These facts do not establish the
12 requisite extraordinary circumstances. Accordingly, Defendant's
13 motion is hereby **DENIED**.

14 **IT IS SO ORDERED.**

15
16 DATED: May 14, 2010

17 

18 BARBARA L. MAJOR
19 United States Magistrate Judge
20
21
22
23
24
25
26
27
28